BLA 361

Critical Thinking

There is only one good, knowledge, & one evil, ignorance.

Socrates
(469 - 399 BC)
Thinking Critically

- Critical thinking is the ability to analyze and evaluate a problem, argument, or point logically, honestly, and objectively.
- Ethical decision making requires critical thinking.
Critical Thinking Model – Part 1

1. What are the facts?
2. What is the Issue
3. What are the reasons and conclusion?
4. What are the relevant rules of law?

These four questions help us understand the basics of a case or court's decision.
Critical Thinking Model – Part 2

5. Does the legal argument contain significant ambiguity?
6. What ethical norms are fundamental to the Court's reasoning?
7. How appropriate are the legal analogies?
8. Is there relevant missing information?
Critical Thinking Model – Part 2

- The foregoing questions help us evaluate the merits of a legal argument or the court's reasoning
- [Argument Clinic](#)
Flaws in Critical Thinking

- Learn to recognize flaws in an argument or decision
- See: Fallacies
Non Sequiturs

- A *non sequitur* is a conclusion that does not follow from the facts
- In other words, they miss the point
Appeals to Pity

- *Appeals to pity* obtains support for an argument by focusing on victim’s predicament (often a non sequitur!)
False Analogies

- A *false analogy* is arguing that since a set of facts are similar to another set of facts, the two are alike in other ways
  - Firm X and Firm Y are both large
  - Firm X expanded into Europe, so Firm Y should also expand into Europe
False Analogies

IF WE CAN PUT A MAN ON THE MOON, WE CAN BUILD A COMPUTER MADE ENTIRELY OF RECYCLED PAPER.

YOUR FLAWED ANALOGY ONLY SHOWS THAT OTHER PEOPLE CAN DO OTHER THINGS.

MAYBE YOU SHOULD CALL OTHER PEOPLE AND ASK HOW THEY DO IT.

MAYBE THEY USE GOOD ANALOGIES.
Circular Reasoning

- If person assumes the thing the person is trying to prove, it’s *circular reasoning*
- Ex: tell the truth because lying is wrong
Argumentum ad Populum

- Argumentum ad populum is an emotional appeal to popular beliefs
- The bandwagon fallacy
Argumentum ad Baculum

- *Argumentum ad baculum* is using threats or fear to support a position
  - Often occurs in unequal bargaining situation
Argumentum ad Hominem

- Argumentum ad hominem means “argument against the man” and attacks the person, not his or her reasoning.
Argument from Authority

- *Argument from authority* relies on an opinion because of speaker’s status as expert or authority rather than quality of the speaker’s argument.
False Cause Argument

- If speaker observes two events and concludes there is a causal link between them when there is no such link, a false cause fallacy has occurred.
The Gambler’s Fallacy

- The *gambler’s fallacy* results from mistaken belief that independent prior outcomes affect future outcomes.
Appeals to Tradition

- If a speaker declares something should be done a certain way because that is the way it has been done in the past, the speaker has made an *appeal to tradition*.
Reductio ad Absurdum

- *Reductio ad absurdum* carries argument to logical end, but does not consider whether it is inevitable or probable result
  - Often called the *slippery slope fallacy*
  - Example: “Eating fast food causes weight gain. If you are overweight you will die of a heart attack. Fast food leads to heart attacks.”
WISHES

When you wish upon a falling star, your dreams can come true.
Unless it’s really a meteorite hurtling to the Earth which will destroy all life.
Then you’re pretty much hosed no matter what you wish for. Unless it’s death by meteor.
Lure of the New

The *lure of the new* argument is the opposite of appeals to tradition because the argument claims since something is new it must be better
I changed the product design.

It's worse than the old design.

You asked me to come up with a new design.

I meant a new design that's better than the old design.

Great. You could have told me that before I did all of this work.

How do you think this makes me feel?

No one would blame me for hating you.

I'm the only sane person in this company.
Sunk Cost Fallacies

*Sunk cost fallacy* is attempt to recover investments (time, $) by spending more.
• Applying the Critical Thinking Model to legal analysis involves eight (8) steps
• Think about current events

“It’s agreed, we go with the ‘hunker down’ option until the market picks up ... ”
The Critical Thinking Model

• The first 4 steps help us understand how the court's argument fits together
  1. What are the facts?
  2. What is the Issue
  3. What are the reasons and conclusion?
  4. What are the relevant rules of law?
The Critical Thinking Model

- Last 4 steps help **evaluate** legal arguments.
- 5. Does the legal argument contain significant ambiguity?
- 6. What ethical norms are fundamental to the Court's reasoning?
- 7. How appropriate are the legal analogies?
- 8. Is there relevant missing information?
Next:
- Business Ethics